

Amendments to the Drawings:

In response to the Examiner's objection to the drawings, Applicants are filing herewith a replacement drawing including Fig. 3. In the corrected Fig. 3 submitted herewith, elements 35-38 are labeled in accordance with 37 C.F.R. §1.83(a). No new matter is being introduced by this drawing change.

Applicants respectfully request Examiner to substitute the attached Replacement Sheet of corrected drawings for the drawing sheet containing Fig. 3 originally submitted with the Application by Express Mail on October 6, 2005.

Attachment: Replacement Sheet

REMARKS

This Amendment is submitted in response to the Office Action mailed on June 24, 2009. Claims 1 and 18-20 have been amended, claim 3 has been canceled without prejudice or disclaimer and claims 9-17 and 21-25 stand withdrawn pursuant to a restriction requirement raised by the Examiner. Claims 1, 2, 4-8 and 18-20 remain pending in the present application. In view of the foregoing amendments, as well as the following remarks, Applicants respectfully submit that this application is in complete condition for allowance and request reconsideration of the application in this regard.

A replacement drawing sheet has been submitted with corrections to Fig. 3 as requested by Examiner. Examiner's objections to the drawings should be withdrawn.

Claims 1, 2, 3, 8 and 18 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Wrba et al., WO 00/18535 in view of Opdyke, U.S. Patent No. 5,331,131. Claims 4, 19 and 20 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Wrba et al. in view of Opdyke and further in view of Sako et al., Japan Patent No. 11-170,077. Claim 6 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Wrba et al. in view of Opdyke and further in view of Kono et al., Japan Patent No. 7-9171. Claims 5 and 7 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Wrba et al. in view of Opdyke and further in view of Bestenlehrer, U.S. Patent No. 6,043,452. While Applicants respectfully traverse these rejections, Applicants have amended independent claims 1 and 18 to more

sharply define the claimed invention over the prior art of record and respectfully requests that the rejections be withdrawn.

In particular, Examiner will note that Applicants have amended independent claim 1 to recite that the material is removed in a layer-wise manner for producing the swage in the workpiece and that the side walls of the swage are treated by means of a laser beam and/or a processing means after several layers have been removed. Support for this amendment is found at Page 5, lines 21-26 of Applicants' disclosure, for example, and this feature is shown in Fig. 2.

While Wrba et al. is directed to forming a hollow or swage in a workpiece by removing material in a layer-wise manner, Examiner will appreciate that Wrba et al. is completely silent with respect to treating side walls of a swage after several layers have been removed as recited in amended independent claim 1. Applicants submit that the secondary Opdyke reference fails to cure this deficiency.

Opdyke is directed to a laser ablation technique for manufacturing contact lenses having a desired lens shape. While Opdyke recognizes that redeposition of ablated material is a problem, the ablation technique of Opdyke is entirely different than the claimed method recited in independent claim 1.

More particularly, in the ablation technique of Opdyke, debris accumulation on the target surface is reduced by scanning the laser beam beginning at a point on the target surface where the least amount of material is to be removed and the least amount of debris will be formed. The laser beam is then directed toward the

point at which the greatest amount of material is to be removed to create the final surface. See Col. 3, lines 28-33 and Col. 4, lines 21-30. So, in the ablation technique of Opdyke, there are no side walls of a swage that are treated by a laser beam after several layers have been removed. Rather, the ablation technique of Opdyke ablates the redepositions as the laser is scanned to form the desired lens shape. In contrast, claim 1 recites treating the side walls **after** several layers have been removed.

Accordingly, Applicants respectfully submit that the combination of Wrba et al. and Opdyke fails to achieve Applicants' claimed invention as recited in amended independent claim 1 and the rejection of this claim should be withdrawn.

Independent claim 18 has been amended to recite a control means adapted to drive the laser treatment means or a feeding means for the processing means for treating the side wall of the swage such that a plurality of layers of material is removed and then the side wall is treated. For the same reasons that amended independent claim 1 defines over the prior art of record, Applicants submit that amended independent claim 18 is allowable as well.

Moreover, as claims 2, 4-8, 19 and 20 depend from allowable independent claims 1 and 18, and further as each of these claims recites a combination of elements or steps not fairly taught or suggested by the prior art of record, Applicants submit that these claims are allowable as well.

CONCLUSION

In view of the foregoing response including the amendments and remarks, this application is submitted to be in complete condition for allowance and early notice to this affect is earnestly solicited. If there is any issue that remains which may be resolved by telephone conference, Examiner is invited to contact the undersigned in order to resolve the same and expedite the allowance of this application.

Please see the electronic fee calculation sheet for the charge in the amount of \$245 for the two months extension fee as required by 37 C.F.R. §1.17(a)(2). If any other fees are necessary, the Commissioner is hereby authorized to charge any underpayment or fees associated with this communication or credit any overpayment to Deposit Account No. 23-3000.

Respectfully submitted,

WOOD, HERRON & EVANS, L.L.P.



David H. Brinkman, Reg. No. 40,532

2700 Carew Tower
441 Vine Street
Cincinnati, OH 45202-2917
(513) 241-2324 – Voice
(513) 421-7269 – Facsimile